

Minutes for Town of North Smithfield Planning Board

Kendall Dean School, 83 Green Street

Thursday, March 19, 2015

The Chair called the meeting to order at 7:05pm.

1. Roll Call and Introductions: Present: Dinna Finnegan, Cynthia Roberts, Lucien Benoit, Scott Lentz, Dean Naylor, David Punchak. Absent: Gary Palardy. Also in attendance were Town Planner Robert Ericson and Assistant Planner Bobbi Moneghan, Town Solicitor David Iglioizzi arrived at 7:34p.

2. Meeting with Judge Frank Williams: Mr. Ericson explained that this was being continued to April 16, 2015 due to one of the lawyers being unable to attend tonight.

3. Disclosure: This is where anyone can disclose potential conflicts on matters before the Planning Board. There were no disclosures.

4. Minutes: Dr. Benoit objected to receiving minutes after the packet. The March 12, 2015 minutes were approved as corrected. Motion by Ms. Finnegan, second by Mr. Lentz, with all in favor. (6 - 0)

5. Capital Budget Requests: No new capital budget items have been requested. The School Department did review with the School Committee items that are not going to be in the bond renovation. The

additional requests will be heard April 2, 2015. Mr. Ericson has to meet with Budget Committee on April 7.

6. Land Development & Subdivision Regulations: Discussion of shared driveways led to an understanding that they often address hardships in the land, which is the justification for use variances. Streets and roads are referred to as ways. In our regulations, street is the proxy for all types. Mr. Ericson will make corrections to regulations as noted.

Ms. Finnegan asked if driveway needs to provide convenient access to the house. Mr. Lentz said no, because some people have short driveways and walk a longer way. He then proposed a motion to approve his definition. Mr. Ericson stated a motion is not needed at this time. There should be no votes until there is a public hearing, then the Planning Board can vote. Members know when everyone is on board with a concept.

Ms. Roberts asked if we should include maintenance agreements. Attorney Igliozi stated that a maintenance agreement should be recorded so it will run with the land. Mr. Ericson stated there is a property, not to be named, in which they are working out details that will satisfy Mr. Lentz and Attorney Igliozi.

Dr. Benoit asked whether we should open a door to shared driveways. We could get ourselves into difficult situations. As long

as people have access, a variance before Zoning Board would be more appropriate

Dr. Benoit added that engineers and surveyors are ingenious enough to seek an exception. We can't give up what we have. He stated we are not here to make the developers life easier. Chairman Naylor stated that we should require curbing and sidewalks, allowing exceptions case by case.

Attorney Igliozi will prepare something on driveways for the next meeting. Mr. Ericson stated that we might provide driveway design standards for the Zoning Board, but he doesn't know if the ZBR would use them.

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Attorney Igliozi said that maybe we should look at driveway length. Dr. Benoit commented that we don't regulate driveways. He reiterated that we shouldn't open the issue of shared driveways in the Land Development and Subdivision Regulations.

Mr. Naylor turned to a discussion of curbs and drainage. Mr. Ericson said that previous chair, Joe Cardello, PE, now head of the Public Facilities Advisory Committee, disliked the idea, because vertical curbs prevent a vehicle from driving up on sidewalks and hitting someone.

Dr. Benoit said eliminating granite curbing would be an error. Mr. Ericson said that when he was in Dartmouth, the Town allowed Cape Cod berms, which were torn up in chunks by snow plows. The Town had to make repairs. Chairman Naylor stated he wasn't proposing Cape Cod berms. If we take granite curbing out of the Land Development and Subdivision Regulations, it's gone forever. Mr. Ericson noted that granite curbs could remain in the regulations, and the Planning Board could consider alternative designs where it is appropriate to the terrain. Mr. Naylor summarized and noted the need for case-by-case review.

Ms. Finnegan asked about shared private roads that are maintained by town. Are there easements? Are we liable when a Town truck has an accident on private property? Atty Iglioizzi said an accident is an accident, and the liability is no different on public or private property. Correcting road location on a right-of-way is very expensive. No one pushes the issue because the Town does not want to relocate the road. Attorney Iglioizzi stated this is Town Council issue. Chairman Naylor agreed.

If a subdivision comes before this board, we wouldn't allow shared driveways, which would fall under waivers. Chairman Naylor stated it's not our purview to take into consideration what the developer can afford. We ensure safety and address environmental concerns.

Administrative fees were discussed a year ago. Final plans are much

less expensive and not subject to project review fees, hence less coordinating work. All inspection fees should be collected prior to certificate of occupancy. Dr. Benoit said he did not want to lower fees for Final Plan applications.

Mr. Ericson said that we could require major subdivisions to tie into the nearest USGS marker, so we exactly know where it is. Then we can reconcile other lot lines to those lot lines.

Regarding initial review fees, Mr. Ericson said that when you have one or two lots, you need at least \$1000 to start the escrow process and not have to replenish the account right away.

Attorney Igliozi said that notification of abutters should be the responsibility of applicants. We can have applicants deliver certification receipts to the Planning Department. Dr. Benoit stated we should definitely include language to have applicant be responsible.

Chairman Naylor asked who confirms that the proper letters have been sent. Attorney Igliozi stated the abutters list comes from the Tax Assessor. The clerk compares the list to receipts, but it's the applicant that bears the responsibility. Dr. Benoit feels we need to go back to a checklist item to prove the applicant has followed procedures and notified all parties. Mr. Ericson noted that the Main Street GIS on the website can generate buffers for creating an

abutters list. That lowers the applicant's expense.

At Dr. Benoit's urging, Mr. Ericson agreed that we can leave fees the way they are. Chairman Naylor stated there should be no profit margin.

Regarding checklists, Ms. Finnegan suggested using the term portable document format instead of PDF. Mr. Ericson reviewed the suggested changes. He stated Arc GIS won't let you use symbols that aren't being used, but AutoCAD will. Mr. Ericson noted that exact scale for 1"-2000' locus maps is very expensive, and an approximate scale will do as well.

Working with Form G, Mr. Ericson discussed the importance of the zoning box. Forms H, I and J are similar in terms of recommended changes. Mr. Punchak suggested using in relation to sea level rather than above.

Ms. Roberts questioned shaded lines. Mr. Ericson explained what the different shaded lines meant. Ms. Finnegan stated we should include verbiage to the effect that the applicant has met with abutters and that X, Y or Z are met before some event or final occupancy. She and Mr. Punchak noted other typographical errors on the existing forms.

Chairman Naylor asked the woman in the audience if there was a particular item she was waiting to hear, she stated she was the

Administrator from St. Antoine, present in case anyone had questions.

Motion by Dr. Benoit, second by Mr. Lentz, to move Item 8 to item 7 with all in favor.

8. Waiver of Development Plan Approval: Mr. Ericson said that no waiver needed for the St. Antoine Community because the Zoning Official sent a letter saying that, based on 17.2, development plan review is not required for construction of additional spaces. There is no expansion or intensification of use requiring the need to increase spaces. The demographics have changed, so older occupants now need more specialized short-term care, and those people need additional parking.

Motion made by Mr. Benoit to waive development plan review, second by Ms Roberts with all in favor (5-0).

7. Planning Board appointment process: Dinna Finnegan passed out letter and application form copies. Members discussed both. They will go to Deb Todd to include for Town Council meeting. Mr.Punchak recommended minor changes for the application form. Ms Finnegan will make the revisions before submission.

Motion by Mr. Lentz to support letter in form and content and recommend adoption of application. Second by Ms. Roberts with all

in favor (5-0).

9. Comprehensive Plan: Drafts for internal review will be sent out March 20, for use at subsequent meetings. Staff will use the interim rules. A Comprehensive Plan under the new rulea would costs \$50,000 to complete. We kept the option to use interim regulations by agreeing to provide the Planning Board with a draft no later than one year after the final regulations were adopted.

Mr. Ericson said we want to get the Comp Plan to the Town Council sometime in June. Chairman Naylor asked whether the final rules were completed or not. Mr. Ericson stated he was never notified that they were adopted. He will contact Chelsea Seifert at Statewide Planning to see what happened.

10. Planning Update: Bob Ericson explained the concept of judicial demeanor in relation to Wide World of Indoor Sports (WWIS). Members may wonder about some of the testimony. It is best to be cool and analytical, ask questions, and then ask how they reconcile differing statements. It helps to appear sympathetic with the applicant in helping them find the best design within our regulations.

In preparation for the public hearing, Mr. Ericson asked for ZBR minutes and decision for the WWIS special use permit application in 2008. The Building Inspection office could not find them. ZBR

alternate Vincent Marcantonio looked through the files for two days and found the most relevant documents. The bubble site was supposed to be green space. The applicant might have to give up the bubble as a condition of special use permit approval.

Dr. Benoit wishes the Planning Board had more detail on the Slater Village zone change concerning the number of age-restricted units allowed. More backup should have been provided with Town Council minutes.

Street Lights: Mr. Ericson met with PRISM today, the lead organization on changing state law to facilitate street light purchasing. Towns can then convert lighting to LED's and add controls so you can dim them. A small chip serves as an electric meter. Towns will be able to pay for lights according to what is metered instead of an hours-on assumption.

Mr. Ericson reminded Planning Board members not to discuss Rankin Estates with anyone previously associated with project.

Adjournment: Motion by Mr. Benoit, second by Ms. Finnegan with all in favor. The meeting adjourned at 9:30pm.

Submitted by Kris Fanning and Robert Ericson on March 26, 2015

Approved by Planning Board on April 2, 2015